

REFERENCE TITLE: **homeowners' associations; rainwater systems**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2518

Introduced by
Representatives Young Wright, Ableser, Chabin, Farley, Patterson:
Antenori, Campbell CH, Campbell CL, Meza, Schapira, Tovar, Senators Aboud,
Hale

AN ACT

AMENDING TITLE 33, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1262; AMENDING SECTION 33-1816, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 33, chapter 9, article 3, Arizona Revised Statutes,
3 is amended by adding section 33-1262, to read:

33-1262. Rainwater catchments; reasonable restrictions; fees and costs

6 A. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
7 ASSOCIATION SHALL NOT PROHIBIT THE INSTALLATION OR USE OF RAINWATER
8 CATCHMENTS OR CISTERN SYSTEMS THAT ARE INTENDED TO ACT AS A WATER SAVING
9 DEVICE. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE PLACEMENT OF
10 THE RAINWATER CATCHMENT OR CISTERN SYSTEM IF THOSE RULES DO NOT PREVENT THE
11 INSTALLATION OR IMPAIR THE FUNCTIONING OF THE DEVICE OR SYSTEM, RESTRICT ITS
12 USE OR ADVERSELY AFFECT THE EFFICIENCY OF THE DEVICE OR SYSTEM.

13 B. NOTWITHSTANDING ANY PROVISION OF THE CONDOMINIUM DOCUMENTS, THE
14 COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY WHO
15 SUBSTANTIALLY PREVAILS IN AN ACTION AGAINST THE BOARD OF DIRECTORS OF THE
16 ASSOCIATION FOR A VIOLATION OF THIS SECTION.

17 Sec. 2. Section 33-1816, Arizona Revised Statutes, is amended to read:

33-1816. Solar energy devices; rainwater catchments; reasonable restrictions; fees and costs

20 A. Notwithstanding any provision in the community documents, an
21 association shall not prohibit:

22 1. The installation or use of a solar energy device as defined in
23 section 44-1761.

24 B. An association may adopt reasonable rules regarding the placement
25 of a solar energy device if those rules do not prevent the installation, OR
26 impair the functioning of the device, or restrict its use or adversely affect
27 the cost or efficiency of the device.

28 2. THE INSTALLATION OR USE OF RAINWATER CATCHMENTS OR CISTERN SYSTEMS
29 THAT ARE INTENDED TO ACT AS A WATER SAVING DEVICE. AN ASSOCIATION MAY ADOPT
30 REASONABLE RULES REGARDING THE PLACEMENT OF THE RAINWATER CATCHMENT OR
31 CISTERN SYSTEM IF THOSE RULES DO NOT PREVENT THE INSTALLATION OR IMPAIR THE
32 FUNCTIONING OF THE DEVICE OR SYSTEM, RESTRICT ITS USE OR ADVERSELY AFFECT THE
33 EFFICIENCY OF THE DEVICE OR SYSTEM.

34 **C.** Notwithstanding any provision of the community documents, the
35 court shall award reasonable attorney fees and costs to any party who
36 substantially prevails in an action against the board of directors of the
37 association for a violation of this section.